

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

CYNTHIA S. CRANE,
Plaintiff,

O R D E R
Case No. 6:08-cv-03036-AA

v.

MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL SECURITY
Defendant.

Robert F. Webber
Black, Chapman, Webber & Stevens
221 Stewart Ave., Suite 209
Medford, OR 97501
Attorney for Plaintiff

S. Amanda Marshall
United States Attorney
Adrian L. Brown
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Portland, Oregon 97204

Benjamin J. Groebner
Special Assistant United States Attorney
Officer of General Counsel
Social Security Administration
701 Fifth Avenue, Suite 2900 M/S 221A
Seattle, Washington 98104
Attorneys for defendant

AIKEN, Chief Judge:

Plaintiff Cynthia S. Crane moves for approval of attorneys fees pursuant to 42 U.S.C. § 406(b). Plaintiff's motion is denied.

DISCUSSION

On March 25, 2010, the Social Security Administration (SSA) sent notice to plaintiff that she was awarded disability benefits beginning in June 2001. On July 19, 2012, plaintiff filed the present motion requesting approval of attorneys fees in the amount of \$5,550.00 pursuant to 42 U.S.C. § 406(b). On August 2, 2012, the defendant filed a response asserting that plaintiff's request was not timely. Plaintiff did not file a reply brief.

Local rules state that "plaintiff shall submit any application for attorneys' fees under 42 U.S.C. § 406(b) within 60 days after plaintiff's federal court attorney has received all of the Notices of Award." LR 4000-8. The rule further states that "an application submitted beyond the 60-day period will be deemed timely only upon a showing of good cause for the delay." Id.

Here, plaintiff's application for attorneys' fees was filed in excess of two years after the Notice of Award. In her memorandum in support of the motion, plaintiff argues that the amount

requested is reasonable. Plaintiff, however, gives no explanation for the more than two year delay. Defendant responds asserting that the request was not timely. Plaintiff had the opportunity to file a reply brief, but did not do so. Without a showing of good cause for the delay, plaintiff's motion is denied.

CONCLUSION

Plaintiff's Motion For Approval of Attorneys Fees Pursuant to 42 U.S.C. § 406(b) (doc. 27) is denied.

IT IS SO ORDERED.

Dated this 25th day of September 2012.

A handwritten signature in black ink, appearing to read "Ann Aiken", is written over a horizontal line.

Ann Aiken
United States District Judge